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Remarks

Status of the Claims

Claims 1, 2, 7-16 are pending. Claims 1, 2 and 7-16 are rejected under the judicially created doctrine of obviousness-type double patenting and Section 112, first paragraph. Claims 1, 2, and 7-16 have been amended. Applicants have added new claims 17 and 18.

Rejoinder of Group II

The Examiner had restricted the invention into the two groups, in response to which Applicants had elected Group I and canceled claims 4-6 from Group II (drawn to various methods of treating diseases, classified in class 514 and various subclasses).

Applicants respectfully request rejoinder of claims 4-6 with the elected group because claims 1, 2 and 7-16 are now allowable.

Rejection under Section 112, First ¶

Claims 1, 2 and 7-16 were rejected under 35 U.S.C. Section 112, first ¶ as being unpatentable. The Examiner has brought this rejection due to the use of the term "isomer" in said claims.

Without stipulating to the substance of the rejection and solely to advance the prosecution of this application, applicants have amended claims 1, 2 and 7-16 to advance the prosecution of this application.

Rejection under Double Patenting

Claims 1, 2 and 7-16 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over pending application USSN 10/705,282.

Without stipulating to the substance of the rejection, Applicants herewith submit a Terminal Disclaimer with respect to USSN 10/705,282. This Terminal Disclaimer overcomes the rejection under double patenting.

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Conclusion

By the above-cited terminal disclaimers, Applicants have overcome all the rejections of the outstanding Office Action. Hence, claims 1, 2 and 7-16 are in condition for allowance, which timely allowance the Examiner is respectfully requested.

Authorization

As this Amendment is being filed within the three-month period following the shortened statutory period for reply to the Office Action, the Commissioner is hereby petitioned for a three-month extension of time. The Commissioner is hereby authorized to draw the required amount from Applicants' deposit account no. 19-0365. Should any further extension or any other fee become necessary to render this Amendment timely filed and to allow entry of the Amendment, the Commissioner is hereby petitioned for such extension and is authorized to draw the required amount from Applicants' deposit account no. 19-0365.

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Should the Examiner feel that a telephone conference with Applicants' representatives would assist the Examiner, she is invited to telephone the undersigned at anytime. Applicants request favorable consideration of the application and early allowance of the pending claims.

Respectfully submitted,



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